

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

September 12, 2007

The meeting was called to order at 4:02 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Phil Conder, Terri Mills, Dale Clayton, Mary Jayne Davis and Jason Jones

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Lehman, Steve Pastorik, Hannah Thiel, Jody Knapp and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Joseph Moore, CED Director
Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 110 people were in the audience.

GENERAL PLAN/ZONE CHANGE APPLICATION:

GPZ-4-2007

Boardwalk Holdings

3639 and 3663 South 5600 West

General Plan Change from Low Density Residential to Medium Density Residential

Zone Change from A to R-1-8

4.15 Acres

Mr. Steve Pastorik presented the application.

Jeff Mansell with Boardwalk Holdings has submitted a General Plan/zone change application two parcels totaling 4.15 acres located at 3639 and 3663 South 7200 West. The south parcel is currently zoned R-1-8 (single family residential, minimum lot size 8,000 square feet) and the north parcel is zoned A (agriculture, minimum lot size ½ acre). Both parcels are classified as low density residential (3 to 4 units/acre) in the General Plan. The applicant is requesting an R-1-8 zone (single family residential with a minimum lot size of 8,000 square feet) for the north parcel and a General Plan land use designation of medium density residential (6 to 10 units/acre) for both parcels.

Surrounding zones include A to the north and east and R-1-8 to the south and west. Surrounding land uses include single family homes on average sized lots to the west and single family homes on larger agricultural lots on all other sides.

Development Proposal

The applicant has submitted a concept plan, which is attached, for the subject property that indicates a total of 24 senior condos similar to those at Valley Vu Villas and Hunter Villas. The two houses built in 1900 (see attached photos) along 5600 West would remain. The resulting density including the two existing homes is 6.3 units/acre. Units would be between 1,500 to 1,600 square feet. For comparison, Valley Vu Villas included 80 units on 11.8 acres (6.8 units/acre) and Hunter Villas included 96 units on 16.4 acres (5.9 units/acre). All of the buildings include 4 units per building with a two car garage for each unit. A rendering of the proposed condos as well as the elevations are attached. The City's multi-family design standards require hardie plank siding instead of the vinyl siding that is shown on the elevations.

Attached to this report are two documents from Jeff Mansell that explain his proposal and provide information on seniors. One of the points Mr. Mansell makes is that "driving trips of seniors compared to younger residents has been shown to be less than half." ITE Trip Generation data show attached senior adult housing having an average of 3.48 weekday

trips per unit while single family detached homes have an average of 9.57 weekday trips per unit. So, even though the density of this project is almost twice that of a single family detached development, the traffic generated would be almost 30% less than single family detached.

Issues

Transfer of Development Rights (TDR)

Given the existing zoning of the property and its location in the City, the TDR ordinance requires new development over 3.5 units/acre to acquire development credits. A recent TDR ordinance amendment added an alternative to purchasing development credits. This alternative requires an appraisal of the property before and after the rezone. The applicant then pays the City half of the difference between the before and after rezone property values. The City must use these funds for land acquisition within the sending site or storm water management and open space improvements within the sending site. The applicants are aware of the TDR ordinance and are exploring options on how to best meet the requirements for this proposal.

Development Agreement

On recent rezone applications involving multi-family housing, the City has required a development agreement. These agreements have included items that are proposed by applicants in their conceptual plans. Staff recommends a development agreement for this application with the following standards:

- No more than 26 units are allowed on the property. If the two homes on the property remain, they shall be included in the cap of 26 units.
- Every unit shall have a two car garage.
- The minimum condo size shall be 1,500 square feet.
- All condo buildings shall be built substantially like the elevations submitted as part of the application with the exception that all of requirements in Chapter 7-14 Part 3 of the Zoning Ordinance (multi-family design ordinance) shall apply to all homes within the development as well as the site layout/design and open space. This means that the condo elevations and the concept plan submitted for the General Plan/zone change may need to be revised as part of the subdivision approval process to meet the ordinance standards.
- At least 80% of the units shall have an occupant that is at least 55 years old.
- The agreement should include language used in other recent development agreements concerning the transfer of maintenance responsibility of common area improvements from the developer to the homeowner's association.
- The TDR development credit requirements outlined in Section 7-26-107 (1) and (2) shall be met prior to final plat approval.
- The TDR design requirements in Section 7-26-107 (4)(d) shall be met.

Another issue that could be addressed in the development agreement is the inclusion of the north house in the condo association. The landscaping on this property has not been well maintained. By including this house in the condo association, the yard space around the home would add to the common area, the landscaping could be maintained by the association (ensuring an attractive entrance), and the home could be re-sided with the materials planned for the condos.

Other issues that could be addressed in the development agreement or at the time of the preliminary plat approval include details on site amenities and details on perimeter fencing.

Applicant:

Jeff Ransell

2825 Cottonwood Pkwy, #527

Concerned:

Dan Sperry

3633 S. 5600 W.

Concerned:

Fred Albert

3681 S. 5600 W.

Concerned:

Susan Sperry

3633 S. 5600 W.

Discussion: Chairman Woodruff asked if there was a statement by the applicant suggesting the General Plan for this property was wrong and should be changed. Steve Pastorik replied that the applicant is not contesting the General Plan, but is asking to allow higher density without impacting the neighborhood. Chairman Woodruff wondered if this project was not developed, would the property stay as medium density. Steve indicated the development agreement states if this project is not developed, the City would initiate a change back to low density. Commissioner Matheson asked if the applicant had built other similar units in the valley. Mr. Jeff Ransell answered no, not this specific unit.

Commissioner Matheson asked what other architectural features would be placed on the buildings. Mr. Ransell answered architectural shingles and 70% masonry. Commissioner Clayton asked if traffic studies had been conducted regarding accessing this subdivision. Mr. Ransell replied traffic studies have not been performed but assured this project would create one-half to one-third of the traffic from similar medium density projects. Commissioner Mills wondered what would happen with the existing homes on the site. Mr. Ransell stated they have not decided what to do with the first home, but said the second home will be left alone to become part of this estate. The remaining home will have the same color schemes as the development. Commissioner Mills asked about the walking trail. Mr. Ransell told of a perimeter walking trail for the residents which would be approximately one-half mile long.

Mr. Dan Sperry was concerned about how the construction might impact his home. He

also wondered how this development might affect his property taxes. Steve Pastorik replied the tax issues are determined by the County Assessor. He explained the construction table has not yet been determined since this is only a zoning application. Steve mentioned if the zoning is approved by the City Council, then the applicant must apply for preliminary plat approval, which could take up to six-months. He assured notices would be sent out for the hearing regarding the preliminary plat.

Mr. Fred Albert did not have a problem with single family residences locating on this property, but said this application is for four separate units under one roof. He mentioned there is low housing near this area and 200 to 300 units are being built on the east side of 5600 West. Mr. Albert was concerned this project may decrease the value of his property. He said he was not opposed to the beautification on 5600 West, but said this development will not help the neighborhood.

Mr. Albert discussed traffic issues on 5600 West stating it is terrible as it currently is, and this development will add more traffic. Commissioner Mills told Mr. Albert that since this is senior housing, it will create less traffic and be less of an impact on the school systems than single family units. Mr. Albert had concerns about the safety along 5600 West which would be the access for this development. He noted there are no crosswalks along 5600 West, and it is a very dangerous road with speeding vehicles. Mr. Albert also discussed the wildlife located in this area. Commissioner Conder asked if sidewalks were located in this area. Steve answered yes.

Ms. Susan Sperry was concerned that elderly residents will want quiet surroundings. She told the Commission that she has ten grandchildren which may cause a disturbance since she lives right next to this property. She did not want the elderly residents to complain about the noise. Ms. Sperry discussed the wildlife in the area and requested that the trees not be removed.

Commissioner Conder liked the idea of senior housing but was concerned about elderly residents pulling out onto 5600 West. Commissioner Mills noted this is not a nursing home, but it will house older people who will have visiting relatives. Commissioner Conder suggested a traffic study be completed during the plat stage of the development.

Commissioner Davis stated that she is a senior citizen and her home backs up to a busy road. She thought the sound of children playing is like music, and that the senior residents of this development will most likely not have a problem with nearby children. Commissioner Davis indicated she chooses the time she goes out on 5600 West due to the traffic. She reminded that seniors are more active now than ever before.

Commissioner Matheson believes there is a need for more senior housing in West Valley. He noted the two existing senior projects in West Valley filled up very quickly. He did

not believe this development would have an impact on single family homes, reminding that senior units are located directly next to single family units in Hunter Village.

Commissioner Mills requested that the motion states one of the existing homes remain on the property.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for approval subject to the following:

1. A development agreement that includes the standards proposed by staff.
2. The inclusion of the home on the north portion of the property in the homeowner's association.
3. If this development is not realized, the City would seek a General Plan/Zone Change to change the General Plan back to low density residential and the zoning back to 'A'.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Alternate
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – GPZ-4-2007 – Approved

Chairman Woodruff requested a motion to hear application C-31-2007 regarding the Family Support Center at this time due to the number of attendees.

Motion: Commissioner Conder moved to hear application #C-31-2007 at this time.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Alternate
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – C-31-2007 will be the second application heard at this hearing

CONDITIONAL USE APPLICATION:

C-31-2007

Family Support Center

4478 South Hawarden Drive

Crisis Nursery and Counseling Center

R-1-8 Zone (0.63 acres)

Mr. Steve Pastorik presented the application.

Bonnie Peters with the Family Support Center has requested a conditional use for a crisis nursery and counseling center on a 0.63 acre parcel at 4478 South Hawarden Drive. The subject property includes a home and is designated as low density residential, which allows 3 to 4 units/acre, in the West Valley City General Plan. Surrounding uses include single family homes to the north, east and south and a church to the west.

On August 21, 2007, the City Council approved an amendment to the zoning ordinance that added a definition for crisis nursery and counseling center and added crisis nursery and counseling center to the list of conditional uses in the R-1 Zones. The definition approved for crisis nursery and counseling center is: “a home on at least ½ acre of property licensed by the State as a residential support program to provide temporary, short-term child care for up to 72 hours for the primary purpose of child abuse prevention which may include counseling as an accessory use.”

Attached to this report is a letter from Bonnie Peters dated August 21, 2007, that describes the facility requested. Also included is the letter from Bonnie Peters dated May 18, 2007 that was submitted as part of the zone text change request. After the City staff mailed out notices for this conditional use application to neighboring property owners,

staff received several inquiries about the type of facility proposed. To help further define the functions of the facility, Family Support Center staff sent City staff an e-mail that further clarifies the three functions of the proposed facility. These three functions are outlined below.

Crisis Nursery

- The ratio of children to adults is 4/1 at all times.
- The average number of children coming and going in one day's time is 8 – 13.
- Overall, the maximum number of children is 16; however, having that many children is rare.
- 4 adults are providing care at any one time.
- There are never more than 8 children overnight.
- Parents must set an appointment to drop off their children.
- The maximum age of children allowed at the crisis nursery is 11.

Counseling

- Individual and family counseling is provided by 2 part-time clinicians.
- Counseling hours are Monday - Friday, 10:00 a.m. to 7:00 p.m.
- Counseling appointments are previously scheduled; there are no unscheduled drop-in services.
- A counseling session is 50 minutes with 10 minutes for the clinician to do charting.

Classes

- Parent Education classes are offered quarterly for 10 weeks in each session. Classes are held on Tuesdays and Thursdays.
- Classes are 1 ½ hours in length. 1 class will be held from 10:30 - 12:00 noon and one from 6:00 - 7:30 p.m. (1 daytime class and 1 evening class will be held each week.)
- The maximum attendance per class is 10.
- The facility may also provide Anger Management classes on an evening when parenting classes are not being held. This is an 8 week course; 1 ½ hours per week.

Also attached to this report is a site plan showing existing conditions as well as some proposed modifications.

Issues

Neighborhood Concerns

On September 5, Family Support Center staff held a neighborhood meeting that was attended by around 50 people. While some that attended supported the idea of the facility, many were opposed citing traffic and property value concerns and were upset that they weren't notified about the zoning text amendment. Bonnie Peters sent a letter to the

attendees of this neighborhood meeting the following day to address the concerns raised. A copy of her letter dated September 6, 2007 is attached.

Staff has received a petition, phone calls, letters, and e-mails against this application. The petition, letters, and e-mails are included with this report. With the petition, it appears that some of the residents of the area may have been misinformed in that the petition refers to this application as a rezone.

Although the public may believe otherwise, the Planning Commission cannot deny a conditional use application. However, the Commission can place reasonable conditions on the application to make it more compatible with the neighborhood. For example, one of the concerns raised by residents is the potential traffic generated by the use. Conditions that could minimize the traffic impact include limiting the number of children and limiting the number of counseling sessions.

Garage Space

The applicant would like to convert the existing attached garage into a play area for the children. Also, the setback between the garage and the side property line is just over 8', which isn't wide enough for vehicles to access the rear yard. For this reason, the applicant plans to remove approximately the south 2' of the garage to accommodate a 10' driveway. In typical residential situations where an owner desires to convert a garage to living space, the City requires the garage to be replaced on-site. A few options to address this issue include: requiring a detached garage to be constructed in the back yard, keeping the garage as it is, or recording a deed restriction that requires the play area to be converted back into a garage or new garage to be constructed upon the sale of the property.

Recommended Conditions of Approval

In light of neighborhood concerns, applicant commitments, and staff concerns, staff recommends the following conditions of approval:

1. As indicated on the site plan, the shed attached to the north side of the house shall be removed.
2. The garage width shall be reduced to no less than 20' to accommodate a required 10' driveway along the south side of the house to access the parking to the west of the house.
3. Areas in the front yard and parkstrip that are dead or barren shall be re-landscaped and maintained.
4. A deed restriction shall be recorded that requires either the indoor play area to be converted back to a garage or a 2 car detached garage to be built in the rear yard if the home is sold.

5. Children cared for at the facility shall be no older than 11 years old.
6. Concrete or asphalt parking in the rear yard shall be installed to accommodate 8 vehicles.
7. The site plan shall be revised to show the wider driveway and parking in the rear yard closer to the house.
8. The facility shall be licensed by the State as a residential support program. A West Valley City business license is also required.
9. A building permit shall be obtained for any interior remodeling as well as for the garage reduction.
10. A 4/1 ratio of children to adults shall be maintained at all times.
11. No more than 8 children shall be kept overnight.
12. During the daytime, the maximum number of children shall be 16.
13. No more than 2 counseling sessions shall be allowed per hour.
14. Counseling sessions shall not be allowed when a class is held.
15. Counseling sessions shall not be for substance abuse or other addictions. Counseling sessions shall not be for sexual abuse. In other words, no pedophiles will receive counseling.
16. No more than 2, 1½ hour classes shall be held per week.
17. The maximum attendance per class shall be 10 people.
18. No signs shall be allowed in the yard or on the home.

Under the staff alternatives below, there are 2 approval alternatives. The first includes the 18 conditions listed above. If the Commission determines that these conditions are not enough to make the proposed use compatible with the neighborhood, the second approval alternative includes three changes to the conditions that would keep the garage as it is and reduce the number people coming to the facility.

Staff Alternatives:

1. Approval, subject to the 18 conditions listed above.
2. Approval, subject to the 18 conditions recommended by staff, with the following amendments:
 - a. Condition 4 shall be changed to prevent the garage from being converted into an indoor play area.
 - b. Condition 12 shall be changed to 8 children. (8 children is the limit for home daycares.)
 - c. Condition 13 shall be changed to prohibit counseling on-site. (Conditions 14 and 15 would no longer apply.)
3. Continuance, for reasons determined at the public hearing.

Applicant:
Bonnie Peters
777 W. Center St.

Favored:
Babs Delay
380 W. 200 S.

Favored:
Kevin Joiner
315 E. 200 S.

Favored:
Scott Vincent
645 E. 4500 S.

Favored:
Officer S. DeJarnatt
4912 S. Main

Favored:
Rachelle Hill
WVC Victims Svs Coord.

Favored:
Paula Marsh
7737 Wood Shade Ct.

Favored:
Paul Ricks
777 W. Center St.

Favored:
Noelle Hansen
2003 S. Lake St.

Favored:
Wendy Petric
4481 S. Honeywood Ln.

Favored:
Dennis Stones
3362 Hector Dr.

Favored:
Annika Sieverts
1881 E. 8325 S.

Favored:
Robert McConnell
185 S. State St., #1300

Opposed:
Joel Coleman
3740 Bawden Ave.

Opposed:
Craig Hall
3428 Harrisonwood Dr.

Opposed:
Ralph Hayes
4500 S. 3200 W.

Opposed:
Elaine Monson
3515 W. 4650 S.

Opposed:
Steven Beck
3378 W. Crestfield Dr.

Opposed:
Scot Wallace
4419 Markread Cir.

Opposed:
Kaye Hendry
3303 W. Bluecrest Dr.

Opposed:
Ken Shosted
3366 W. 4400 S.

Opposed:
Deanna Hammond
4431 S. Hawarden Dr.

Opposed:
Nicole Gregory
4521 S. Hawarden Dr.

Opposed:
Stephen Smith
3268 Hector Dr.

Opposed:
Neil Maycock
3317 W. 4460 S.

Opposed:
Gordon Burrell
3280 W. 4565 S.

Opposed:
Fern Stones
3362 Hector Dr.

Opposed
Ray Ross
3540 W. 4700 S.

Concerned:
Wayne Pyle
3600 S. Constitution Blvd.

Opposed
Dan Beal
3328 W. 4460 S.

Discussion: Ms. Bonnie Peters, Director of the Crisis Nursery and Counseling Center, distributed a packet to each of the Planning Commission members. She said the packet

shows pictures of the two other facilities and a drawing of how this home will be modified. It had references from neighbors and other people in the community as well as statistics of child abuse in Salt Lake Valley.

She told the Commission that she had reviewed letters and e-mails from concerned neighbors, but reminded that they are not attempting to have the property rezoned to commercial. Ms. Peters said the children that will attend this facility will be newborn to age 11. No parking is planned for the street, and all services are from appointments only. The exception would be if the police deliver children to the center, which would occur in a discrete manner with no emergency lights on. She indicated the children will not be allowed to play outside in front of the home, and they will not be outside in the rear of the home after bedtime hours. Modifications will be made to the home to comply with ADA standards.

Ms. Peters discussed concerns regarding increased traffic. She said they could limit the number of children, classes and counseling sessions. Their other locations have had up to 27 children at one time, but they can cap the number of children to 16 at this center. The children must be supervised, so a 4 to 1 ratio must be kept with adults/children. Ms. Peters explained their other facilities provide a full-range of classes and groups for the community for up to 30-parents and 25 children. There is a nearby bus stop which will help with some traffic, and there will also be some foot traffic. They also take donations.

They are required to have three components in their contract with the Division of Child and Family Services which is their primary services. Those components are: crisis respite service; counseling; and classes for parent education. She stated they would restrict that to a minimum of ten-participants per class. The other locations have both full and part time clinicians, but this will be limited to two part-time clinicians who will work from 10:00 a.m. to 7:00 p.m. The sessions will not be back-to-back sessions and the children are taken care of while the parents attend the classes. If the parents were required to attend classes elsewhere, it would cause double traffic with parents dropping off and picking up their children.

Ms. Peters assured the house will be improved and maintained well, so property value deterioration should not occur. It will not be lit to a point where it will interfere with adjacent residents. She stated custody battles were a concern with neighbors, but this does not generally occur. They treat families and will not be providing counseling to sex abuser, drug addicts or other such individuals.

Ms. Peters indicated 8 to 10 parking stalls will be located in a fenced location in the rear of the property so there will be no footprint on the front of the yard. The rear yard is currently fenced and has trees around it.

They have no plans to expand, and they understand that they must have approval from the Planning Commission if they do wish to expand. She said the people in this valley need this service, and they want to provide help and training in West Valley. There is already a waiting list of citizens who need this service, and currently, residents of West Valley have attended their other facilities. Ms. Peters assured negotiations can be accomplished, and they want to do the things that need to be done.

Chairman Woodruff referred to a chart with zip codes and cases and asked what the definition of a victim is. Ms. Peters replied a victim is a person with a substantiated case of abuse. Commissioner Conder questioned the need to put the center in the middle of a neighborhood. Ms. Peters explained their primary service is to be a crisis nursery. She said children have a right to come to a place from crisis to a calm, tranquil and beautiful location. They need a house large enough to have six bedrooms and a therapy room. They looked for a long time, but there are not many places large enough within these boundaries.

Commissioner Conder asked about signage. Ms. Peters indicated there will only be one small sign in the back yard over the door saying 'counseling entrance'. No signs will be placed in the front yard.

Ms. Babs Delay informed that she is a Salt Lake City Council Member and is also a realtor. She lived next to the Center in Salt Lake for 8 years. She said they were not noisy like a daycare, they were clean and maintained, and there were no toys outside of property. Ms. Delay said the traffic was not bad as people crept in and out. She noted property values increased while she lived there. Ms. Delay indicated they have 30 years of proven service in Midvale and Sugarhouse, with no police calls made to either facility for noise or problems. She noted the Center has worked with West Valley, followed their instructions and did what staff suggested. Ms. Delay stated this business must be in a quiet residential area to help the children and families in need. It cannot be next to commercial. The facilities in Midvale and Sugarhouse have proven they are quiet, and it will help the neighborhood and community.

Officer Kevin Joiner works with the Salt Lake Police Department. He had pulled the statistics for the Crisis Nursery and Counseling Center in that City for the past year. He said there were 11 calls, but primarily those calls are from the Family Support Center calling the police department about other problems and issues in the neighborhood. Mr. Joiner informed that he was a crime prevention detective for five years, and this type of business is the perfect crime prevention. Out of the 11 calls, only two calls were actually to the Family Support Center. Those two calls were "standby assist" calls where children were being exchanged due to a court requirement. He assured they are good neighbors, and it would be a disservice to not allow this in the neighborhood as it will only make the neighborhood better.

Mr. Scott Vincent works with the Division of Family Services. He reemphasized the need that the Family Support Center has to offer all of its services that they currently offering. It would enable them to access the majority of the funding that they get through the Division of Child and Family Services. Mr. Vincent said they should be able to provide the crisis nursery, the parenting education services and the individual counseling. He explained that without the education and therapy services, the children will be back again. With the additional services, the probability of the parents being able to maintain children on their own is greatly increased. He has a long history with the Support Center. He worked there as a graduate student, and it has always been quiet, reserved and orderly. Mr. Vincent said he has also been at the Family Support Center as a child protective service worker on call in the day and middle of the night and it has always been very orderly. He often hears that the Division of Family Services does not do anything. The Family Support Center wants to be responsive in all ways. He urged the Commission to approve this request. He also urged the citizens of West Valley to be supportive of this request. Commissioner Fuller asked if the contract required all three of the uses occur at the same location. Mr. Vincent replied yes.

Officer DeJarnatt works for the Midvale Police Department, and she also lives in West Valley City. She gave the statistics for the Family Support Center in Midvale for the past five years. Officer DeJarnatt indicated there have been 66 calls to the Family Support Center in the past five years, requiring 27 cases being pulled. The majority was the Center calling on other issues such as noisy neighbors or vehicle violations. They have called regarding sex offences and child abuse cases that had not yet been reported to the police department. There have been four traffic calls: one abandoned vehicle; two hit and run (none involving the Center, either client or employee); and one was an accident, also not involving the Center. Officer DeJarnatt lived in Midvale one block from the Family Support Center for four years. She assured there was never any problems with the Center, but it was very positive and supporting to the community. There have been five calls to keep the peace, where one parent cannot be next to the other parent, so the police are called to verify no contact. There have been no fights, no assaults, and no domestic issues. She stated there has only been one emergency transport by the police to the Family Support Center. Commissioner Jones asked why there were 66 calls, but only 27 cases. Officer DeJarnatt explained that if the police respond to exchange a child or keep the peace, those situations do not require a case. She said if the police respond to a sex offence which needs to be reported, that is considered a case and everything is documented. Traffic cases are also considered a case.

Ms. Rachelle Hill is the victim's advocate for West Valley City. She acknowledged the need for this type of business in West Valley. Ms. Hills said they currently transport residents to other locations because West Valley doesn't have such a facility. She indicated it is important that this business is in a neighborhood stating children are afraid until they see a home which looks like grandma's house. It is also important for the

children to go back to this location for counseling. The location gives the victims a feeling like they are not in trouble. Ms. Hill noted it is very important that classes are held in the center as the children should not be inhibited while their parents attend the classes. She said it is important to have this service in West Valley and parents and children should all be in the same location.

Ms. Paula Marsh is the Board President for the Family Support Center. She has been on the Board for three years and has been the president for 15-months. Ms. Marsh said the Board is committed to the Family Support Center's mission which is protecting children, strengthening families, and to try to prevent child abuse. They would love to be in West Valley City to take care of the needs that are here.

Mr. Paul Ruiz is the Clinical Director of the Family Services Center. He said he is usually the one who receives the calls requesting services in West Valley. Mr. Ruiz said he wished the Midvale office was larger so that this facility would not be required, but then West Valley residents would need to travel. They have a waiting list due to an insufficient amount of space to see people. The advantage of this location will be that more part-time people will be hired who can see people, alleviating the two month waiting period for services.

Ms. Noelle Hansen lives next to the Family Services Center in Sugarhouse. She considers them a great neighbor. They are responsive and vigilant neighbors who do not hesitate to call if anything seems unsafe or out-of-order in the neighborhood. There has been some issues regarding parking, but the services they perform are so important that it mitigates any perceived negative impact to them. Ms. Hansen understands the Sugarhouse Center does not have any other recourse other than parking on the street, and it is their right to park on the street. She believes parking has been resolved with this application. When the police are called, the police have discretely arrived in unmarked vehicles without emergency lights. If you did not know what was happening there, you would not know what was going on. She reminded that no one wants to be in this situation. No one wants to be going to domestic abuse counseling. The clients come in quietly, they don't litter, and there is no impact to neighbors.

Ms. Wendy Petric lives in West Valley. She said she was the victim of abuse when she was a child. She was directed to obtain parenting classes in which she will receive her certificate tomorrow. If she had the resource and knowledge available in her community, she would not have had to experience what required her to obtain this parenting certificate. She believes it is helpful, useful, and more parents would take advantage of such services if available in this community.

Mr. Dennis Stones lives on the street perpendicular to Hawarden Drive. He believes this is a good thing for the neighborhood. Mr. Stones said he has been a Fire Inspector for

Salt Lake City for eight years and has worked with Family Services. He has inspected their facility for fire inspections for their State licensing. When they have had problems they have immediately taken care of the problems. Mr. Stones stated their main priority is the people. They are very concerned with the children and the people they deal with and they want the best for the people. He believes this facility would be important to the neighborhood because there are similar problems in the neighborhood. In spite of the inconveniences it will cause, in the long run, they will correct more problems than they will create.

Ms. Annika Sieverts has used this service and wanted to give a human side to the services. She had four miscarriages and after seven years, adopted three children. Some of the adopted children had health problems, social issues, had been neglected and abused. Eventually, she was able to have her own child who was diagnosed with a heart problem. Soon after, she found herself divorced with four children under the age of two. Ms. Sieverts had difficulty finding help or a support group. She needed a facility that had experience with children with special needs. The Family Center offered a safe place for her to take her children once per week, giving her time to shop, run errands, attend appointments and to become a better mother. The Center has provided her the help she needed to make her family a success. She heard the concerns from the neighbors saying “not in my neighborhood”, and wants to say “tell that to the victimized child”. We all have a responsibility to prevent child abuse.

Mr. Robert McConnell sent a letter to the Commission regarding legal issues dealing with the conditional use aspects. He was concerned about the attempt to condition away the use that is identified as a permissible conditional use in the zone, which is a residential zone. He requested the provision of the State Statute addressed in his letter be followed, and reasonable conditions set. Mr. McConnell understands the trip count issue, as this use will have a higher amount of trips than a normal residential home, but he was not sure if it would result in any type of significant traffic failure.

Mr. Joel Coleman noted he is a West Valley City Counsel member. He said we, as a City Council, do not have any problems with the Family Support Center. Mr. Coleman noted the City Council is in such support of the Center that they granted \$150,000.00 of CDBG funds to support them and to encourage them to come into this community. The problem that we have is just with the location. He explained that he is here because the City Council does not see the conditional use applications, and this would be the discussion the Council would be having if he was in that discussion.

When the Council was approached by this group, and the Council decided to support them, it was due to all the wonderful thing they do which have been heard tonight. When the Council considered the ordinance change to allow this type of use in the City, and to set it up so that a suitable location could be found, all of the impacts on residential areas

were not clear. Mr. Coleman said they supported the group so much, they did not want to completely restrict the Center from residential areas. Had they known it would be an interior location such as this, where the rear area must be paved, it would have been very problematic, and an 'RB' zone would have been recommended. He explained what the residential business zone is, and how it works with residential and business together. While technically, this is not a commercial or business use, it is still a commercial type activity, with the commercial type of impacts on the interior of a neighborhood, which concerns us the most.

Mr. Coleman told the Commission of his friends and neighbors which he was representing tonight. This is a great neighborhood with reasonable people. There was recent neighborhood meetings on Saturday hosted in one of the neighbor's homes with more than 60-people. The residents were in support of the Center's mission and what the City Council intended to support. Their concerns were that this specific location is not alright. A residential location might be better if on a more busy street, such as 3200 or 3600 West.

He will recommend to the City Council at the next meeting that this ordinance be revisited, although it will be too late for this application. Mr. Coleman said technically, he cannot speak for the City Council, as it would be inappropriate, noting he was only speaking for himself today. But for those he's polled and talked to about this, they have said this really should be revisited. He guesses the Council will restrict this to an 'RB' zone or higher in the future. At the meeting, the consensus was how can a reasonable alternative be created or a good compromise which will still support this Center but also preserve the integrity of the interior of the neighborhood.

Mr. Coleman explained the decision of the neighborhood was to ask the Planning Commission, as neighbors and fellow residents of West Valley City, if they will adopt the standard that daycares are allowed in a residence for this Center. He commented that in good faith, a standard like that, which would restrict traffic and large classes, would be reasonable. Since the City has been so supportive of the Center, both financially and philosophically, those requirements should be palatable to this group. If not, possibly the Center could shop around more to find a place more conducive than what is being offered here. Commissioner Matheson asked if funding could be pulled if this Center becomes a nuisance. Mr. Coleman replied yes, and in fact if the conditions placed by the Planning Commission tonight are unacceptable, he will ask the City Council to restrict and take back the funding that has been promised. He assured he does not want to do this and he is in favor of this use. But since the City has done so much for the Center, he believes they should respect the desires of the neighborhood which are reasonable.

Commissioner Conder asked if the major issue is the traffic, not the classes. Mr. Coleman answered yes, it is mostly the traffic and the impact on the neighborhood from

the Center's uses. A precedent is being created making it more difficult for us, as a City Counsel, in the future. The impact is exactly identically to a business out of a home and we have fought for years to keep these types of impacts from our traditional, quiet streets. Commissioner Conder asked again if it was the traffic Mr. Coleman was opposed to. Mr. Coleman replied yes, traffic is the major part of it. Mr. Jones asked how many children Mr. Coleman would allow. Mr. Coleman said daycares have a maximum of eight children allowed in the home. The hours are clearly an issue with people parking and coming and going throughout the evening for classes. He did not believe daycares do those kinds of things. Mr. Coleman stated he understands some counseling to allow the families who pick up their children, as that would be very reasonable and would have no impact on the neighborhood. The parents would already be there picking up their children, like every other daycare. Mainly it's the classes during the night and the number during the day that is the problem.

Mr. Craig Hall told the Commission he grew up in this neighborhood and now lives a few blocks from this area. He understood the Center approached staff in May about this application, but most of the neighbors learned about this in the middle of last week. He indicated a neighborhood meeting was held with Joel Coleman, but Mr. Hall said he is the spokesman who was voted to talk to the Commission about the impact on the neighborhood. Mr. Hall informed the Commission that he also works as an Assistant City Attorney for West Jordan. He has asked Ms. Elaine Monson to help him with his presentation, as she lives a few blocks from the proposed Center, and her mother lives directly across the street from the proposed Center.

Mr. Hall said more time is needed to determine what the consequences will be to having this facility in the neighborhood. He indicated time is needed to determine conditions of approval as this will certainly set a precedence. He understands the City Council passed the ordinance allowing this type of use and hopefully it will be repealed to allow this use only in 'RB' zones. Mr. Hall assured that the neighborhood does not dislike the Center, but wants it in an appropriate location. He requested the meeting to be continued to a month from now as no one from the neighborhood's side has had the chance to look at the legal memo from the Center's attorney.

Commissioner Matheson informed that the street in front of the proposed Center is actually wider than a normal right-of-way. He noted it would be easy for traffic to flow in both directions with a car parked on each side of the street. There is direct access off of 3200 West to the proposed Center and the home adjoins corner property where four vehicles could be parked on the road. Commissioner Matheson added that traffic calming devices are also located just to the south of this property. He did not think most of the trips generated would occur during peak hours, should not affect 3200 West, and will not adversely affect traffic in that area.

Mr. Hall requested a continuance to further evaluate traffic and noise issues as well as other ways the Center may affect the neighborhood. Mr. Hall showed a map of the area noting there are two Hawarden Drives. He did not think people would be able to locate the Center, resulting in them roaming around the neighborhood.

Commissioner Matheson indicated clients could receive clear directions, as appointments are required. Commissioner Clayton wondered if Mr. Hall was compelled at all by the past testimony in support of the Center or if continued, would the neighborhood still be against it. Mr. Hall replied this business is not an appropriate use in a neighborhood. He assured he wants this type of center in West Valley. Commissioner Clayton asked what a continuance would accomplish. Mr. Hall stated it would allow the neighborhood time to collect government statistics. Commissioner Conder wondered if the neighborhood's opinion would change once they receive the government statistics. Mr. Hall informed the Commission that there are many more issues.

Chairman Woodruff acknowledged that the neighborhoods have many issues and are requesting a continuance. He welcomed information pertinent to the case, assuring that everyone will have a chance to speak. Mr. Hall disagrees with opinion with that conditional uses cannot be denied.

Mr. Ralph Hayes told the Commission that the neighbors are angry and was not aware that the ordinance had changed to allow this type of use in a residential area. He agreed with the need for the Center and offered to pay the first months rent if it located in a different location. He thought the City's zoning was to determine that only residents would locate in residential areas and he does not want to live by this type of use. Mr. Hayes noted this is a beautiful neighborhood with houses that are kept up. If the City approves this application, it will make the neighbors very angry.

Ms. Elaine Monson stated she was here on behalf of 50 to 60 neighbors. She understands the job of the Planning Commission is to protect the integrity and character of West Valley's neighborhoods. The vast majority of people who spoke in favor of the Center will not be affected as few would actually be neighbors of the Center. She noted the majority of attendees at this public hearing are against this application. Ms. Monson said this will impact the neighborhood and the conditional use can be denied. She read from the City's ordinance about the ability to deny a conditional use.

She listed the problems with the facility including traffic. Ms. Monson reported there is only one easy way to this area which is from the east. The concentration of traffic that this Center will create will be a danger to many of the young children in the neighborhood. There is an elementary and junior high school located near this area as well as a bus stop resulting in many young children walking around this area. She discussed the amount of traffic that would be generated for the one house in single 24-

hour period: number of times a vehicle can come to and leave the residence could be 114 times per day; people passing in and out of the house could be 59 people. She arrived at these numbers by the following calculations: if 16 children in the daytime are picked up and dropped off = 32; daytime workers at a 4 to 1 ratio at two shifts making 8 daytime workers = 16 times; 8 nighttime children dropped off a single time = 8 trips; nighttime workers at 4 to 1 ratio requiring at least 2 people coming a single time = 8 trips; counseled individuals coming according to the Center's proposal for a 9-hour period, 50 minutes = 18 coming and going; two counselors = 4 trips, classes one per day for 10 people per class = 20 trips, facilitator = 2 trips; three intake people = 6 trips. These calculations do not consider visitors, deliveries, donations or other office personnel. Ms. Monson asked how you would like to live next to a facility that will have 114 vehicle trips per day and 59 people per day coming and going. She suggested that if West Valley has so much abuse, these numbers are probably accurate and may even be low. Even if the numbers were reduced by one-third to one-half, the impact on this neighborhood would be substantial.

Commissioner Matheson stated Ms. Monson's figures could be accurate, and it probably is not responsible for the Commission to send any additional traffic into a single family neighborhood.

Ms. Monson suggested that placing a parking lot in the rear of the property is inconsistent with the character of the neighborhood. If approved, a precedent will be set and other home businesses may request the same. She stated the parking lot would be unattractive and would affect six homes, impacting them tremendously. The parking lot compromises neighbor's privacy and the headlights from vehicles will affect neighbor's backyards and the residents across the street as the clients exit. She was afraid patrons will not use the backyard, but will park in front of other homes.

Ms. Monson discussed the driveway, reminding that there are currently only eight-feet and the applicant wants to shave two-feet off of the garage. This will be a tight squeeze for any automobile with the risk of hitting the fence or the house. It could also be dangerous for children attending the Center. The play area could be an attraction to other neighborhood children who could possibly get hit by a car due to blind spots. She asked what might happen when two cars meet at the middle, pulling in and going out.

Commissioner Conder asked if approved, would Ms. Monson prefer parking in the front or in the back. Ms. Monson replied there is limited parking in the front and in the driveway as it exists now. She requested the number of people be limited so that the Center can only accommodate cars in the garage, driveway and in the front of the Center itself. She said classes or counseling should not be held at the Center, but the home may be just fine for the crisis nursery.

Ms. Monson discussed the police response records stating Midvale's records note 66 calls in 5 years to that one area. 12% were custody issues, threats and keep the peace; 12% were traffic related incidents, 17% involved medical or natural gas issues, 26 involved sexual offenses, child abuse, and general neglect calls for investigation; 33% were for extra patrol, follow-ups, lost property, theft, 911 hang-ups and misc. This equals out to be almost one police call per month. In this particular area, a police car responding to this area is virtually nil.

Ms. Monson asked what type of people will come into this area suggesting they may have criminal backgrounds, be pedophiles or have drug and alcohol problems. The other facilities offer classes on sexual abuse and the reality is the victim often becomes the abuser themselves. As citizens with families, they are very concerned about this. The facility is planning to offer anger management classes. She wondered if there was some type of security system the Center will have as some parents may be fighting and it could escalate.

Ms. Monson talked of the character of the house changing in general such as the garage which must be replaced; the parking lot; ADA requirements, and sprinkling system which will modify the home so that it will no longer be a single family dwelling. It will essentially be a business. She asked what might happen if the Center goes belly up. She wondered where they will obtain the money to replace the garage. Would the home be put back the way it should be. She understands deed restrictions, but asked who would want to buy the home under those restrictions. Once the home is modified, someone else may want to use it for a business. Ms. Monson said the Commission should determine if the use is compatible or consistent with what is there now.

Ms. Monson indicated concerns regarding expansion, as expansion has occurred at both of their other facilities. In Sugarhouse, they opened up another similar business across the street. In Midvale, offices and other clinical services were developed nearby. If approved, a condition should be placed which will not allow this business to expand.

Ms. Monson was in agreement with the small sign in the rear of the home, but wants nothing in the front to make it look like a business. She mentioned hours of the business, acknowledging that most activity would occur between 7:00 a.m. to 8:00 p.m., but activity could occur at any time. This involves noise levels from vehicles coming and going throughout the night. Ms. Monson suggested 40 to 70 people in a home will create a great deal of garbage. She noted garbage bins are used at other location, creating smell concern regarding location, garbage trucks, and safety issues.

Ms. Monson commented that the neighbors have not had enough time to determine what this might do to property values. She suggested property values will be impacted if vegetation is removed, parking space is placed, the garage is removed, and with the

increased traffic. Other people may locate next to a business, but these neighbors have never anticipated a business would locate in their neighborhood, impacting them in ways they could never anticipate. She assured they are not protesting the Center or facility, but the proposed location is wrong. It will be too high of a burden on the people in this area. She urged the Commission to deny this application and to start the process over again. Ms. Monson said this business should be in an 'RB' zone where it would be more appropriate.

Chairman Woodruff confirmed with Steve Pastorik that the City processed the zone text change in accordance with the Utah State laws and City procedures. Steve Pastorik assured this was correct. Chairman Woodruff asked what the Planning Commission's role is regarding applications. Nicole Cottle replied the Planning Commission has the responsibility through all of the procedures that they do to protect neighborhoods, property values and to ensure that zoning is proper. At this hearing, the Planning Commission is dealing with a conditional use which is a different situation. There is the possibility that a conditional use can be denied per the State Law and City code. But the legal analysis is that the Commission can only deny a conditional use if there is no condition or conditions that can be placed on that use to mitigate reasonable concerns. The Commission's duty at this hearing is to determine what are the valid factual issues that need to be mitigated, and are there conditions that can be placed on those valid factual, fact-based issues to mitigate that.

Mr. Steven Beck has lived in this area for 30-years. He worked in the juvenile courts for many years, and understands the need for this type of facility in West Valley City. Mr. Beck assured he is in favor of this Center, but said this location is not suited for the type of Center envisioned by the petitioners. The proposed location would be detrimental to the general well being of the specific neighborhood that it is proposed for. He believes there is better location for the Center which will accommodate traffic and parking, as well as the needs of the petitioner. Mr. Beck understands the need to have the business in a neighborhood for young children ages zero to age 11. He understands this may result in concerns with the contract with DCSF, but he believes the petitioner can find a better location to accommodate all their needs. Mr. Beck wished the City Council had followed the Planning staff's recommendation that this business be located in an 'RB' zone. He believes with more time, the petitioner would have found a better location in an 'RB' zone. Mr. Beck asked the Commission to follow staff's alternative #2 recommendations, limiting the number of children to eight, not allowing counseling sessions, and not turning the garage into a play area. This would not require denying the application.

Commissioner Mills reminded that she must be excused from this hearing due to a prior engagement. She requested a chance to express some of her concerns before she left. Commissioner Mills wanted to know more about how appointments are made; the children should be limited to eight; the class size should be restricted if approved; she

asked what the zip code is for this exact area; she would be interested in reviewing the contract; she had concerns for parking and headlights; she had concerns regarding fencing due to headlights; she said sideyard fencing may be needed; she suggested a landscape buffer for neighbors in the rear yard; and that the remodeling of the home should not change it's integrity as a home.

Commissioner Mills was excused at 7:03 p.m. due to a prior engagement.

Chairman Woodruff asked for a motion to take a brief recess

Motion: Commissioner Davis moved for a 10-minute recess

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – motion for a 10-minute recess - approved

The Planning Commission Public Hearing reconvened at 7:17 p.m.

Commissioner Davis was excused at 7:17 p.m. due to a prior engagement

Mr. Scot Wallace was confused if the Commission could deny a conditional use or not. Nicole Cottle explained the Commission must follow the requirements made by federal law. Mr. Wallace perceived citizens have no say with conditional uses if they cannot be denied. Nicole indicated conditional uses are permitted uses that a condition can be applied to. If conditions can be set, but the conditional use was denied, the courts have not upheld such denial. She said the case law for the State of the Law in Utah for some 20 to 30 years states conditional uses are permitted uses with conditions. The rule of law is a conditional use must be approved unless there is no condition or conditions that can be placed on that use that can reasonably mitigate the true factual detrimental affects of that use. Mr. Wallace asked if the citizens have wasted their time because they have no say on this matter. Nicole indicated the purpose of a public hearing for a conditional use is to hear what might be the detrimental affects so that the Commission can decide

whether or not there are conditions they can place to mitigate the detrimental affects. Mr. Wallace was concerned that the public was not aware of what was happening at the beginning of the process. Chairman Woodruff was afraid Mr. Wallace thought the Commission has more authority than they really do. The federal government has set the parameters of what the Commission can do. He said the Commission does not have a say in the state law. Chairman Woodruff suggested the public contact their legislature and representatives. Mr. Wallace suggested representatives from the legislature should attend these meetings so they can see what is going on.

Ms. Kaye Hendry lives approximately two streets up from the proposed Center. She suggested the Center should follow the same requirements as a daycare. This would limit the affect for other single family dwellings in the area. Ms. Hendry had sent an e-mail to staff stating the Center should be limited to eight people, no parking, no changing of the basic structure, no street parking available without special permits, and no classes or counseling that fall outside of what is already permitted.

Mr. Ken Shosted told the Commission he does not want this business in the neighborhood at all. He said when he built his home, he signed a contract stating it was a single family home with no on-street parking. Now those regulations are not being upheld for others. Home owners in this area purchased homes here so they would not be around multi-families living in one home.

Ms. Deann Hammond lives four houses down from the proposed Crisis Nursery. She thinks the nursery would be a good and needed thing and it would not have a negative impact on the neighborhood at all. She believes parents in crisis need a safe location for their children out of harms way and counseling is a needed services.

Ms. Hammond was concerned regarding the lift to make the home ADA accessible. The lift could be dangerous to neighboring children who find it intriguing.

She is opposed to parenting, anger management and any other classes. This would result in additional traffic in their quiet neighborhood.

Ms. Hammond is opposed to the changes in the building, including taking off two-feet from the garage and placing a parking area in the back yard.

She read Section 7-8-103 which states "it cannot adversely affect the neighborhood". Ms. Hammond believes the additional traffic will affect the neighborhood. Neighbors bought homes in this neighborhood because it is quiet and they want it to stay that way. She continued to read from Section 7-8-103 which states "storage within a garage or accessory building may be allowed as long as two parking spaces for residential uses are provided and the garage still functions for parking". This will not be done with the

proposed application. Section 7-6-305 talks about requirements for properties zoned 'R-1' which discusses setback requirements and states a garage must be used for storage of vehicles and not be converted to living space for a dwelling. Section 7-8-101 states if a business is located in a residential area, the use should be conducted so that neighbors, under normal circumstances, would not be aware of its existence.

She said it is not the neighbors or the Commission's concern if the classes are needed to receive the full funding from the agencies involved with the Center. The Commission should be concerned whether or not this conditional use meets with the conditions outlined in the City's zoning and in the neighborhood. The City Council approved the definition for this type of business as the following: "crisis nursery and counseling center means a home on at least one-half acre of property, licensed by the State as a residential support program to provide temporary short term care for up to 72 hours for the primary purpose of child abuse prevention which MAY include counseling as an accessory use". The City's definition of accessory use is: "customarily incidental and subordinate to the primary use or building and located on the same lot therewith; a use which dominates an area extent or purpose, the primary use or building shall not be considered an accessory use". The dictionary defines subordinate as "to treat as of less value or importance". Ms. Hammond said if the classes are truly of less value or importance, then they do not need to take place in this location in her quiet neighborhood.

Commissioner Matheson acknowledged good points about the City's ordinances. They state that a single family home will have a double car garage. That garage can be turned into living space if there is an accessory garage built in the rear of the home. This use is acting like they want to be a single family use. They have a parent family sleeping over night with the children. He suggested possibly the Center should be treated as a single family residence.

Commissioner Jones asked if the elevator would be located in the house. Ms. Hammond replied the elevator is planned for the outside. It must be contained, and if not able to do this safely, the applicant plans to move the elevator inside.

Ms. Nicole Gregory was concerned about traffic stating Hawarden Street services ten homes, so any additional traffic will increase what the neighbors are used to. She has three children under the age of 11 who play in the front yard because her yard is smaller in the back. Her children will not be able to play in the front like they used to with the increased traffic.

Ms. Gregory said this is an awkward situation where the neighborhood is opposing something that is good, only because they were not given up-front notice about the application. She does not want to feel like an uncaring person. If the Center was only to act as a daycare, people will still be able to use this Center for help. She was concerned

that people could attend the classes that are not associated with the Crisis Nursery Center. Ms. Gregory suggested this facility could be located in a commercial area. She distributed pictures of the Midvale location, noting that once inside, it looks like an office, although the outside looks like a home. There is commercial and multi-family surrounding the Midvale facility.

She said at the Salt Lake facility, as soon as a child walks into the Center, they will know they are in more of a clinical location. The Salt Lake facility also borders a commercial zone.

Ms. Gregory was concerned about the facilities requiring appointments. While she was visiting the facilities, someone came without an appointment who wanted to leave their child there. She perceived children will be accepted when in need even without appointments. Commissioner Jones asked if the facility turned the child away. Ms. Gregory did not know but said an adult was filling out an application as she was leaving.

A child would like a home situation, but adults do not need a home setting. She asked that no classes be available at this facility, stating people will be rushing in and out from appointments.

Ms. Gregory did not believe 8-10 parking stalls will be enough. She did not want the childcare to occur overnight, explaining that the Salt Lake facility does not have children overnight due to the lack of need. They send children to the Midvale location if needed, and she does not want children from the east side to be sent to this location if they need to spend the night. Ms. Gregory wondered if residents from Kearns and Magna would be attending this facility.

She said there would be no way to guarantee that the customers would park in the rear parking lot instead of on the street. She spoke with homeowners around the Midvale facility, and those residents stated they had moved in after the facility was established rather than having the facility forced on the residents.

Ms. Gregory was concerned about the mother who brings her children to the facility once per week. The rules of the facility allotted no more than seven visits per year by one mother. She reminded that this facility would not only be servicing West Valley City, but also Taylorsville, Kearns, Magna, and West Jordan, which is a huge number of people.

There is a big concern about potential expansion of this business. She wondered if the neighbors need to come back every year when an expansion is needed or requested once the applicant has this permit.

The Commission knew the proposed address, but residents were not informed. She said it

is a terrible feeling to have this sprung upon the neighborhood with the feeling they have no control of it. Ms. Gregory noted that Steve Pastorik didn't know how many children were planned for this facility. Steve acknowledged that he thought there would only be eight children, but the applicant later clarified that there would be 16 children.

Mr. Stephen Smith had concerns about the counseling class and declining property values. He did not believe the facility would be able to function without major remodeling and expansion. Mr. Smith informed that the two feeder streets to Hawarden, which are Hector Drive and 4560 South, are smaller streets. He noted two vehicles would not be able to pass each other if there is one car parked at the curb. Mr. Smith commented that when a road closed due to construction, it makes it very difficult to find your way in and out of the neighborhood. Commissioner Conder asked if Mr. Smith would rather have customers of the Center park in the front or the rear of the home. Mr. Smith answered parking in the rear would be best to keep the cars off the street.

Mr. Neil Maycock is frustrated with this application and stated that his wife's health is getting worse because of the stress it is causing. They moved to this location 31 years ago, and his home would be one of the six that backs the applicant's backyard. Mr. Maycock pointed out that one of the neighbor's own a pit bull which is fenced with only a chainlink fence. Children from the Center could get hurt if playing with this dog. There are drug dealers located across the street; a registered child felon predator lives in the house next to the proposed Center, and seven other within one block. A widow lives on the corner and she plans to sell if this business is located in the neighborhood.

He assured this is a smart neighborhood, and he does not want anything affecting it. Mr. Maycock said the Commission should not take one of the better neighborhoods located in West Valley and deteriorate it. He mentioned there is a house adjacent to the Sugarhouse facility which is boarded up, and he wondered why it cannot be sold.

Mr. Craig Hall distributed conditions of approval to the Commission. There were 29 issues, and he discussed each issue with the Commission.

Mr. Gordon Burrell has lived in this area for 37 years and he helped to create West Valley City. He was confused that the application offered denial as an option, but now denial is not an option. He suggests the application be denied. Mr. Burrell wondered how the Center could call itself a nursery when they allow children up to the age of 11. He discussed the traffic calming dip in the road which is two houses down from his home. He said many drivers are unfamiliar with the area and they exceed the 30-mile per hour speed limit resulting in noise and vehicle damage. He was concerned more serious incidents could occur if a vehicle became out of control. Mr. Burrell noted there were no statistics regarding the success of this Center. He asked what West Valley has missed if our City has gone without a crises center for 35 years. He perceived citizens would go to

one of the other centers in Sugarhouse or Midvale, or possibly citizens had some other method of treating their situation. Mr. Burrell suggested that if this center is successful, then it will not be large enough, and they will need to expand.

Ms. Fern Stones informed that her husband spoke in favor of this application. They live on Hector Drive where there are 24-homes. She noted that ten of the homes are all original homeowners that have lived in this area for 33 years. Ms. Stones said she has four children and sometimes her daughter baby-sits other children. The children play ball in the front yard and sometimes the ball falls into the street. Children become accustomed to playing in the street, and they will be impacted. Ms. Stones agrees that counseling is good, but she worried about the Center's finances and what might happen if they go out of business. She commented if the home is modified, it could be vacant some day. She wondered if there would be funds in place to fix the home back the way it should be. Ms. Stones suggested a real estate person should be available to give an appraisal on property values. She noted prices are lower in residential areas than in areas zoned 'RB', and she believes there are other more suitable properties available for the Center. She stated neighbors would be willing to help the Center find another location.

Mr. Ray Ross told the Commission his wife, Alley Poulsen has lived in this neighborhood for 76 years and helped to farm and develop the area. He had concerns about controlling the noise of 16 children. He was concerned about the driveway being wide enough for vehicles to park in the rear yard. Mr. Ross informed of a neighbor whose bedroom window will be adjacent to the Center's driveway, and there are concerns regarding noise and vehicle lights.

Mr. Wayne Pyle, City Manager of West Valley, wanted to emphasize what staff's position is and has been throughout this project. He said he worked with Midvale City before working for West Valley City and had five years of associating with the Family Support Center in Midvale. Mr. Pyle agreed the Midvale location is the perfect location for this type of business. It is in a residential business location with beautiful trees and vegetation. It's a quiet location, but accessible to people using it and conducive to the amount of traffic. He explained since approached by the Center, staff has recommended that they locate in a residential business zone. They have said they were not able to find a good location, but he believes a better location is possible. Mr. Pyle has volunteered the staff's resources to work with the Center in what ever manner needed to find that location. He wanted the citizens to understand what staff's position is. That the applicant locate in a residential business location, and staff will help them to do this to the extent that staff is able to. The Planning Commission is here to consider the conditional use and he is aware of many conditions that have been proposed. Mr. Pyle reemphasized that he is the person who represents the staff's position with their guidance and help. For the purpose of the conditional use, staff's position is to, at a minimum, adopt those 18 conditions that are on the staff's analysis. The preference would be to adopt the

additional adjusted conditions which fall on the second page of staff's analysis, which include the elimination of the classes and minimizing or eliminating the counseling.

Ms. Bonnie Peters responded to questions regarding transportation. She said transportation is sometimes very difficult for their clients and especially for citizens west of Bangerter. This is a centralized location and would work well for those citizens west of Bangerter.

Chairman Woodruff referred to the listed zip codes which had the most victims. He noted those zip codes refer to West Valley, Taylorsville and Kearns. He asked what Ms. Peters thought about offering services only to West Valley City citizens. Ms. Peters replied they cannot restrict their services to specific citizens. She reminded that most of the citizens attending this facility will be from West Valley, but that citizens from West Valley have attended their other locations. She acknowledged their Salt Lake facility was closed at night due to not being busy.

Steve Pastorik asked if having a sex offender located next door would affect their application. Ms. Peters replied it will not affect or constrict their facility, but it gives her concerns. She assured she would instruct her staff of this information, verifying the children are watched carefully. She will also talk with the neighbor explaining that he would not be allowed to come to the Center.

Ms. Peters noted the Crisis Nursery and Counseling Center has not yet received their funding from West Valley City.

Ms. Fern Stones reminded the Commission that Kearns is west of Bangerter.

Mr. Neil Maycock informed that UTA has recently changed its routes and there may not be the bus access that the Center is anticipating.

Mr. Dan Beal reminded that during the winter, clients of the Center would be sloshing through the snow for blocks until they arrive at the facility if they take the bus. He suggested it may be better to have the Center located closer to the bus stop.

Chairman Woodruff closed the public hearing to public input at 8:42 p.m.

Commissioner Matheson suggested a drainage design be submitted to Public Works for the rear parking lot. He wanted the driveway to be 12-feet wide to help in moving snow to one side. A soils report should also be required.

A solid vinyl fence should be placed along the north and south sides of the property to alleviate car light concerns.

He was concerned about the floor plan of the building stating more rooms are needed for older children as well as a separate nursery area. If the business is acting like a single family residence with adults sleeping over night, then they should be treated like a single family residence and should conform to the City's ordinances.

If the garage is changed to a play area, then an additional two-car unattached garage should be required. This would also provide two additional needed parking spaces. Commissioner Matheson noted if two feet of the garage is cut off, it will then be considered a single car garage. If it was ever reverted back to a garage, the two feet would need to be added back on.

He suggested mature street trees should be placed directly across from the driveway to mitigate the vehicle lights from the Center.

Commissioner Fuller suggested a continuance to absorb all the information which has been submitted. He would like the continued application to be for a "decision only" meeting. He noted the conditional list submitted by Mr. Craig Hall had 29 issues, and some of those conditions should be considered. Commissioner Clayton agreed with this suggestion.

Commissioner Conder assured the audience that the Commission has heard their frustration regarding the noticing concerns. He hoped there could be a compromise, but agreed that more time is needed to review and discuss what has been submitted. Commissioner Jones agreed with Commissioner Conder.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for a continuance to allow the Planning Commission time to consider the information presented at the public hearing and to allow all the interested parties time to submit additional information addressing the outstanding issues. The public hearing scheduled for September 26, 2007 will be for decision only on this application. No public input will be heard regarding this application at the public hearing.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Absent

Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – C-31-2007 – continued

ZONE TEXT CHANGE APPLICATION:

ZT-7-2007

Zone Text Change Adding Temporary Residential Storage Containers

Ms. Hannah Thiel presented the application.

Legal Authority

7-1-103(195) Definitions

7-2-129 Supplementary and Qualifying Regulations

Background

Staff is requesting a zone text change for the Supplementary & Qualifying Regulations Ordinance. The need for a zone text change is due to a number of lingering storage containers on residential streets, sidewalks, and front yards. The stagnant storage containers often diminish the aesthetic appeal of residential streetscapes. With research, it was found that most other cities do not have an ordinance to address storage containers in residential zones. Staff feels that although storage containers allow a great convenience for moving and construction, it is appropriate to allow storage containers for a limited time period. This text change would add a definition of a 'Temporary Residential Storage Container' and would regulate the use of the storage containers for moving to private property driveways and to two weeks in time. If an individual was renovating or constructing a home on a piece of residential property, the storage container could be kept for a maximum of six months in conjunction with a building permit. In the case of remodeling or constructing a home, a storage container could be kept anywhere on the subject property as long as it was not placed on existing landscaping. This application was continued from the August 22, 2007 Public Hearing so that staff could address the construction use for storage containers better. The Planning Commission noted the following concerns in the Study Session held on September 5, 2007: 1. That an exception

be added to allow storage containers on any portion of private property for the construction of a new home provided it is not placed on existing landscaping. 2. That information should be reviewed regarding the point of view storage container companies have with an ordinance amendment for storage containers. After talking to an individual in the business of storage containers and trailers, it was noted that the two week guideline for moving is more than satisfactory. It was also noted that it is no problem to place a storage container on a drive way rather than in the public right of way, but that it may be helpful to some people to allow a 72 hour permit to be able to park in the right of way. Finally, the individual noted that it may be wise to include semi trailers in this ordinance text change. As many semi trailers used for moving are very large and can cause neighborhoods great concern, staff has purposely left them out of this text change at this time.

Concerned:

Howard Norton
2438 W. Directors Row

Discussion: Commissioner Conder thought six months would be a long time to allow a storage container on a residential lot. Chairman Woodruff reminded that the allowance is only for construction projects with a remodeling permit. Mr. Howard Norton is the President of the Trailer Rental Company and they are a member of the Portable Storage Association. He does not have a problem with the time allowed for the containers, but he was concerned about the name “storage container”, as there are many different types of portable storage units, pods, storage trailers, etc. Mr. Norton wanted to know if there is a possibility for other types of storage units to be located under the same conditions. Chairman Woodruff asked if the term “storage unit” needs to be further defined. Mr. Norton said storage container is a general description, but the majority of his business is trailers. They can be placed on lots easily, located off of easements and right-of-ways, and are considered portable storage. He explained they have a fenced and gated yard where the vehicles are delivered and stored with the contents until the home owner is ready to have them back again. Commissioner Jones asked if the tractor trailer stays attached to the trailer. Mr. Norton answered no, the trailer is set into the driveway for loading once and unloading once without the need for a storage unit. Chairman Woodruff asked if trailers and trailer storage needed to be added to the ordinance. Hannah Thiel did not believe so, stating the containers are perceived to be more stationary than the trailers.

Commissioner Conder wondered about the language regarding wheels on the trailers. Hannah explained the wheels correspond to a transport vehicle.

Commissioner Matheson asked about construction trailers which are often used as an on-site office. Hannah assured office trailers are addressed in the temporary use ordinance.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval of the zone text change of the Temporary Residential Storage Container Ordinance subject to conditions placed by the Planning Commission.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Clayton	No
Commissioner Conder	Yes
Commissioner Davis	Absent
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Majority – ZT-7-2007 – Approved

SUBDIVISION APPLICATIONS:

S-16-2007

Charlie Park Subdivision

3700 South 4800 West

R-1-8 Zone

7 Lots

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Jeff Cameron is requesting preliminary and final plat approval for the Charlie Park Subdivision. The subject property is located at 3700 South 4800 West and is currently zoned R-1-8. Residential housing is located on the north, west and south sides of the proposed subdivision.

STAFF/AGENCY CONCERNS:

Fire Department:

- Fire hydrants to be installed in accordance with the Uniform Fire Code.

Granger Hunter Improvement District:

- Project will need an availability letter for water, sewer and fire protection.
- Subject to design and review inspections.
- Subject to a 20-foot sanitary sewer and storm drain easement.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures. Will need to evaluate how developer will handle the existing irrigation ditch.
- ☐ Recommend ending the existing stub street with a cul-de-sac.
- ☐ Coordinate storm water drainage with Public Works.
- ☐ Will need to dedicate an additional 7 feet along 4800 West.
- ☐ Follow recommendations outlined in the soils report.

Building Inspections:

- Follow recommendations outlined in the soils report.

ISSUES:

- The developer is proposing a subdivision consisting of 7 lots on approximately 1.98 acres. Lot sizes range from 8,000 square feet to 11,670 square feet with an average lot size of 9,450 square feet. An existing dwelling is located adjacent to 4800 West. It is staff's understanding that this dwelling will be removed as part of the new subdivision construction.

- The subdivision typifies the definition of infill development. As this property is the last vacant parcel in this area, it will be faced with challenging access issues. Immediately to the south is an existing stub street (Tecumseh Street). This road was platted with the Westward Terrace No. 2 Subdivision in 1963. The Westward Terrace No. 3 Subdivision (immediately to the west) was platted in 1966. Unfortunately, the County did not evaluate the location of Tecumseh Street when the 3rd phase of the Westward Terrace Subdivision was reviewed. Although Tecumseh Street adjoins the proposed subdivision, the location is not very desirable and will result in the creation of a unique lot.
- As staff evaluated the conceptual plan, we suggested that the applicant approach the owner to the west to determine if they would be interested in acquiring this additional property. The applicant informed staff that this suggestion did not seem to work with that owner which would leave the elongated piece to be platted as part of lot 7 in the new subdivision.
- Staff evaluated other designs for the subdivision including a cul-de-sac from 4800 West. In this scenario, the stub street would not be used, but would end in its current configuration. Although the subdivision design is more desirable, it does not allow the existing stub street to end as typically required by the City.
- Given the unique configuration of lot 7, staff believes that this lot could work if the owner takes an interest in the south portion of the lot. This area could be planted similar to the front yard, a garden could be planted, or the area could be xeriscaped. With some imagination, it could also be used as a small neighborhood recreational area as it is nearly 2,500 square feet in size. To help mitigate the potential neglect this area could see, staff will require that the builder install the entire front yard landscaping on lot 7 to include an irrigation system.
- Access to lots 1-3 is being proposed from 4800 West. Existing improvements are in place along this street, but additional dedication will be required. This road is projected to be an 80-foot right-of-way but is only built to an existing width of 33 feet. The developer will be required to dedicate an additional 7 feet, but existing improvements will be allowed to remain. Curb cuts and other utility installations will need to be coordinated with the appropriate agencies and with the City Engineering Division. If damage has occurred to the existing improvements, or if damage results from new construction, the developer will be responsible to replace those accordingly.
- As with all new subdivision development, there is a concern with the potential for ground water impacts. According to a soils report dated July 27, 2007, no ground water was encountered at this site.

Applicant:
Jeff Cameron
3172 S. 1850 W.

Concerned:
Hugh Hales
3720 S. 4800 W.

Concerned:
Ken McCoy
3697 Havasc Way

Concerned:
Loretta Miller
4800 West, adjacent to Hugh Hales

Discussion: Commissioner Matheson said if lot #7 to the west is not added into the subdivision, he suggests the access be off of 4800 West. If lot #7 is added, it could probably work the way it has now been submitted.

Mr. Jeff Cameron thought lot #7 would be added, stating he has discussed purchasing it from the owner.

Commissioner Clayton asked if any research had been conducted regarding accessing 4800 West. Mr. Cameron stated no, as the Public Work's Department would not allow that configuration stating they wanted to access the stub street.

Commissioner Jones asked about backing out onto a major street and how the City enforces residents who do this. Steve Lehman replied there is no way for the City to enforce this except for the use of police officers.

Mr. Hugh Hales believes if this is a nice development and it will rejuvenate the area. He suggested this public hearing is a pivotal time. Mr. Hales wanted to know what type of home is being built. Steve explained the design ordinance to Mr. Hales stating the developer must adhere to the ordinance. He noted this ordinance was adopted years ago and has been very successful.

Mr. Cameron informed that the homes will be custom built, will be a minimum of 1,500 sq. ft., have an unfinished basement, and will be priced between \$180,000.00 and \$240,000.00.

Mr. Ken McCoy's backyard borders lot #7. He wanted to know if a fence would be built. Steve Lehman was not sure of the developer's plans for fencing, stating the City does not require fencing in-between residential areas. He discussed the configuration of lot #7, mentioning the cul-de-sac may be reduced in size to increase the width of the properties, allowing a better landscaping area. Mr. McCoy asked if lot #7 would be responsible for their landscaping. Steve explained that the ordinance does not address rear yard landscaping, but there is an ordinance for the front yard. The developer will be required to place curb, sidewalk, etc.

Mr. McCoy asked what the timeline for construction would be. Steve indicated that once a bond is posted with Public Works, the developer has one year to place the improvements. Once the improvements are installed the property could sit until sold, as the market is the key element.

Mr. McCoy assured he is in favor of the development, but wants the area controlled so a parking lot will not be located in his back yard. Nicole Cottle informed that as long as the developer meets the standard requirements, additional requirements cannot be required.

Mr. Cameron told the Commission that he has not discussed fencing, but stated it should help with the property appreciation. He mentioned that hopefully they could pour foundations before the snow falls.

Commissioner Jones asked what issues Public Works might have if the subdivision was reconfigured. Steve assured that the Commission has the right to recommend to the City Council that the access be off of 4800 West. The applicant would need to bring in a different plat with the new access for approval. Public Works may express an opposition to this plan, but the Planning Commission and City Council will set the tone for how the subdivision is laid out.

Commissioner Clayton wanted the access to be off of 4800 West. He has no problem with the stub street, as it has been a stub street for a very long time. The new configuration would reduce the potential parking lot issue by lot #7 and any fencing issue.

Mr. McCoy wonders if the contractor had a recent land survey performed, or if they would go by the fence line. Steve indicated the developer is required to have a surveyor stake the property showing the exact boundary. Mr. McCoy recommended that this subdivision access off of 4800 West, as the current design results in many issues for surrounding residents.

Mr. Hales told the Commission he also liked the option of accessing off of 4800 West. He suggested this could resolve the potential parking lot issue.

Commissioner Matheson commented that if the access is changed to be off of 4800 West, the bulb of cul-de-sac will be pulled to the east. He mentioned there would be a double frontage lot if lot #7 was purchased and the current configuration was used. As far as Granger Hunter Improvement District is concerned, sewer has to go out to 4800 West anyway. Drivers coming along 4840 West making a left turn would shine their lights onto that home. If the cul-de-sac comes off of 4800 West and lines up with the road

across the street, landscaping should be required.

Ms. Loretta Miller lives adjacent to Hugh Hales. She informed that the stub street has all the improvements located at the end of that street. She was interested in where the fencing, vehicle lights and beautification would go with the new design. Ms. Miller would like this development to have the same beautification as the adjacent subdivision. She requested a time limit to fix fences and landscaping. She requested a house plan to know what the homes will look like.

Mr. Cameron explained that he has no design plans for the homes at this time because they did not know how the site was going to be laid out.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for a continuance to allow time for the applicant to submit a new preliminary plat showing a single point of access off of 4800 West.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Absent
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-16-2007 – Continued

S-17-2007

**West Valley Truck Center Subdivision – Lots 19 & 20 Amended
M Zone**

Mr. Steve Lehman presented the application.

BACKGROUND

Jeff Randle, representing the property owner, is requesting an amendment to lots 19 and 20 of the West Valley Truck Center Subdivision. The purpose for the amendment is to abandon a portion of the recorded public utility easement between these lots.

STAFF/AGENCY CONCERNS:

There are no staff or agency concerns with this application.

ISSUES:

When the West Valley Truck Center Subdivision was recorded, a number of utility easements were placed on the plat in order to accommodate the different types of utilities that would be needed to service the subdivision. One such easement is located between lots 19 and 20 of this subdivision.

Codale Electric, one of the areas largest suppliers of electrical equipment, is proposing to locate on lots 19 and 20 of the West Valley Truck Center Subdivision. In a letter to the Planning Commission, the applicant states that the size of the new building will require that the existing lot line separating these lots be adjusted and that the existing 20-foot utility easement be abandoned.

An application to alter the lot line has been submitted and approved by staff. Although the lot line adjustment allows for slight modifications to the existing lot lines, the abandonment of the utility easement will need to be done by ordinance. The portion of the utility easement to be abandoned is as follows:

That certain 20-foot public utility easement lying on either side, parallel to and abutting that common property line of Lot 19 and Lot 20, West Valley Truck Center Subdivision, situate in the Northwest Quarter of Section 24, Township 1 South, Range 2 West, Salt Lake Base and Meridian, as recorded in the Office of the Salt Lake County Recorder. Excepting there from any portion of those remaining public utility easements lying along and abutting the north and south lines of said lots.

There being no discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Clayton moved for approval of the plat amendment.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Absent
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-17-2007 – Approved

CONDITIONAL USE APPLICATIONS:

C-29-2007

Rusty Marks, Used Auto Shop

2875 South Redwood Road

General Commercial (C-2) zone, 0.55 acres

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-1002 Commercial Zones Schedule of Uses

Background

Rusty Marks is requesting a conditional use approval for a used auto sales shop located at 2875 South Redwood Road. Mr. Marks is not the owner of the property and would lease it from the owner. A used auto sales shop is a conditional use in a 'C-2' or general commercial zone. This property occupies 0.55 acres of land. The General Plan designates this property as General Commercial, Office, Mixed Used or Medium Density Residential (6.01 – 10 units per acre).

The applicant has noted in the attached letter that the auto sales shop would be open Monday through Saturday from 10 a.m. until 8 p.m., and would park 10-12 used cars for

sale on the property. Currently, there is a vacated monument sign in front of the building that does not have the required landscaping around it per ordinance. The site plan shows 16 spaces for parking, although the actual site has 3 usable spaces with 6 more in front of bay doors that are not usable. The minimum required parking for the site is 10 spaces (1 space/ 400 sq ft sales area + 3 spaces/ bay 7-9-104).

This property previously was used for auto repair. With the auto repair business neighbors to the property had complaints regarding the lack of maintenance and adherence to the City's standards, and the conditional use was revoked. The property on the north and south sides of 2875 South Redwood Road are zoned C-2 and are designated General Commercial, Office, Mixed Used or Medium Density Residential (6.01 – 10 units per acre) under the General Plan. The property on the west side of 2875 South Redwood Road is zoned C-3 and is designated General Commercial, Planned Business Parks, Office Uses, or Light Manufacturing under the General Plan. The property on the east side of 2875 South Redwood Road is zoned R-1-6, and is designated as Small Lot Residential under the General Plan. Staff does not see this use adversely affecting neighbors or neighboring zones as long as the applicant meets the conditions of approval associated with this application.

Applicant:

Rick Marks

2875 S. Redwood

Discussion: Chairman Woodruff confirmed how wide the landscaping was required to be. Hannah Thiel replied five-feet. Mr. Rick Marks told the Commission he is opening a car lot for his son. He assured they would be fixing up the building. Most of the cars they sell will be purchased through auctions. Chairman Woodruff asked if Mr. Marks had reviewed the staff conditions. Hannah read through the conditions. Mr. Marks agreed to the conditions.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to any issues raised at the public hearing as well as the following conditions:

1. That the applicant submit a building permit application for their desired sign, and that the sign meet all regulations for signs contained in Title 11 of the West Valley City Code and be reviewed and approved by West Valley City, prior to obtaining a business license. If the applicant does not wish to use the existing sign base, the existing sign shall be removed from the property.

2. That the applicant acquire all necessary permits for any building or alterations to the building through Building Inspections, and the Fire Department prior to obtaining a business license.
3. That the business or property owner shall not store or display any vehicles or debris in the front setback (in front of the building).
4. That no repair, service, or maintenance be done on any vehicle(s) on the premises.
5. That parking spaces shall be removed adjacent to the building and be re-stripped in accordance to the site plan submitted on the south side of the property.
6. That the applicant maintain landscaping on the south side of the property with plants approved by staff (5' area as shown on the site plan - can not use grass for areas less than 8' in width). This landscaping shall also occupy the south west side of the property next to the parking area and adjacent to Redwood Road (as cross hatched on the submitted site plan) prior to obtaining a business license.
7. That the applicant replace the existing asphalt and concrete in the front of the building (adjacent to Redwood Road) with grass and landscaping approved by staff and that the applicant plant a minimum of two trees in the landscaping adjacent to Redwood Road that meet the standards of Chapter 7-13 Standards for Landscaping along High-Image Arterial Streets.
8. That if the applicant wishes to add any new parking lot lights, a lighting plan shall be submitted, reviewed, and approved prior to installation.
9. That a valid West Valley City Business License be reviewed and approved prior to any business or automotive sales processing.
10. That all improvements are made and a business license is reviewed and approved within ninety (90) days of this conditional use application approval.
11. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Absent
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent

Chairman Woodruff

Yes

Unanimous – C-29-2007 – Approved

C-30-2007

Pamella de Freitas, Used Auto Sales Shop

3394 West 3500 South

General Commercial (C-2) zone, 0.42 acres

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-1002 Commercial Zones Schedule of Uses

Background

Pamella de Freitas is requesting a conditional use approval for a used auto sales shop located at 3394 West 3500 South. Ms. Freitas is the owner of the property. A used auto sales shop with auto detailing is a conditional use in the 'C-2' or general commercial zone. This property occupies 0.42 acres of land. The General Plan designates this property as General Commercial or Medium Density.

The applicant has noted in the attached letter that Automundo Car Sales LLC would be open Monday through Saturday from 9 a.m. until 7 p.m. The applicant has also noted that they plan to replace the fence on the back property line that borders residential property. Currently, there is a wall sign (awning) on the building. The West Valley City sign ordinance allows a maximum 15% of the front building elevation to be used for a wall sign if no pole sign exists on the property and a maximum of 5% of the side and rear elevations be used for wall signage. Automundo Car Sales LLC supplies enough parking for a car sales facility. The minimum required is 6 spaces. The site currently has 6 spaces striped. As shown on the site plan, the applicant would like to relocate eight (8) customer parking spaces to the back of the building and re-stripe the front spaces in diagonal spaces for display cars. The applicant has landscaped and cleaned the site prior to submittal of this conditional use application and would like to finish landscaping the back portion of the property in a year or so once they have the funds to do so.

The property on the South, East, and West sides of 3394 West 3500 South are zoned C-2 and are designated General Commercial or Medium Density under the General Plan. The

North side of 3394 West 3500 South is zoned RM and is designated Medium Density under the General Plan. As the surrounding uses are predominantly zoned general commercial, and the applicant is willing to replace the existing fence next to the residential zone, staff does not see this use adversely affecting neighbors or neighboring zones.

Applicant:

**Pamella de Freitor
3394 W. 3500 S.**

Favored:

**Sibastian de Freitor
3394 W. 3500 S.**

Discussion: Chairman Woodruff asked if the applicant was aware of the staff conditions. Ms. Pamella de Freitor discussed the fence stating she and the neighbor have made an agreement for a vinyl fence. Hannah Thiel indicated the ordinance requires a six-foot masonry fence. Commissioner Jones asked if the Commission could approve a condition that does not comply with the City's ordinance. Hannah explained that the applicant must comply with the ordinance. Ms. De Freitor said if a masonry wall is required, she will build a masonry wall adjacent to the vinyl wall.

Sibastian de Freitor discussed where vehicles will be parked, stating they will have approximately 20 vehicles for sale. He assured the business will be clean and landscaped.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Clayton moved for approval subject to the following:

1. That the applicant submit a building permit application for the existing sign, and that the sign meet all regulations for signs contained in Title 11 of the West Valley City Code and be reviewed and approved by West Valley City, prior to obtaining a business license.
2. That the applicant acquire all necessary permits for any building or alterations to the building through Building Inspections, and the Fire Department prior to obtaining a business license.
3. That the applicant meet all requirements and acquire all necessary permits for the Engineering Department, in particular, for site drainage and storm water management. This would likely require the applicant to submit engineered drawings to be reviewed by the Engineering Department.
4. That Automundo Auto Sales LLC shall not service (other than auto detailing), or repair any vehicles on site.
5. That any future parking spaces striped on the property are striped in accordance to West Valley City ordinances and that a scaled site plan is

submitted prior to installation, indicating exactly where and how many spaces are added, modified, or removed.

6. That cars be parked on hard surfacing (asphalt or concrete) and shall not be parked in any landscape area or any area not designated for parking.
7. That the applicant landscapes the back of the property within a year of approval of this conditional use application with plants approved by staff.
8. That a valid West Valley City Business License be reviewed and approved prior to any business or automotive work being done.
9. That all improvements (except #7) are made and a business license is reviewed and approved within ninety (90) days of this conditional use application approval.
10. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Absent
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – C-30-2007 – Approved

Chairman Woodruff excused himself from the hearing at 10:00 p.m. due to a potential conflict of interest.

**C-33-2007
Martin Motors
3875 S. Redwood Road
C-2 Zone (2.19Acres)**

Ms. Jody Knapp presented the application.

The applicant, Martin Crapo, is requesting a conditional use permit for a used auto sales business. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial or Medium to High Density Residential uses for this area. The surrounding zones are C-2 and C-3. The surrounding uses include Anderson Lumber and an auto service center to the north, a car dealership to the south and a multi-family residential to the west. The area to the east is vacant and planned for a future commercial development.

The applicant is proposing to utilize the existing site for a used auto sales business. The site will be used for display of vehicles only and will not include any auto repair services or detailing.

The applicant has a one-year lease for this property. The property owner is currently working with an Architect on a proposal for a commercial retail center on this parcel and will be submitting an application for this use in a few months. The site has been vacant for some time and the landscaping on site has not been maintained. The property owner has agreed to install the landscaping along Redwood Road per the Title 7-13, Landscaping Along High-Image Arterial Streets, as part of this application as it will be required for the new center when it is developed. This would also include closing the access along Redwood Road per UDOT specifications. However, they have asked that the five-foot landscape strip adjacent to the parking area and the lighting be part of phase two, and be completed as part of the construction of the new development center. The remainder of the site is currently not landscaped, except for a small planter bed on the east side of the building, and the applicant proposes to keep the site maintained but does not propose adding any additional landscaping due to the future development proposal.

There is currently a monument sign on site however, it would need to be removed due to the streetscape changes. If a new sign is to be proposed, it would be located within the 15-foot landscaped area and could be no more than 5' tall and 25 square feet. The applicant is proposing a small wall sign.

The existing building on site will be used for an office. The display area will be located on the north and east sides of the property. The required 5 customer parking spaces will be located directly east of the building. There is a dumpster currently on site. If this is to remain, it must be located within a 6' tall masonry enclosure. The applicant may add some additional lighting on site. If additional lights are to be added to the site a lighting plan must be submitted, reviewed and approved before any new lights are installed. A speaker/intercom system has not been proposed with this application.

Applicant:
Martin Crapo
3145 Tocat Hills

Favored:
Mike Shagred
SA Architects

Discussion: Acting Chairman Fuller confirmed what conditions could be determined by the Commission. Jody Knapp explained 7-D has choices of 1, 2, and 3. Commissioner Clayton asked if more than one item on 7-D could be picked. Jody answered yes.

Mr. Mike Shagred is the architect over the project. He distributed a site plan which he said is only preliminary. He gave the history of the property and what will occur in the future with additional development. Mr. Shagred discussed staff's conditions stating the following: they want to defer five feet of buffer until the property is developed; requested lights on the existing building rather than having pole lights (he said he would place poles lights when the property is developed completely); the leasee will dispose of his own garbage on a weekly basis and the dumpster will be taken off the site; and he wants the existing sign, which is in good shape, to stay for the one-year lease. He assured the sign will be removed as part of Phase 2 when different signage is placed. Jody reminded that the existing sign is in the middle of the sidewalk. Mr. Shagred asked if the sign could be placed elsewhere on a temporary basis. Jody replied yes, the sign could be placed back onto the parking lot with some landscaping around it. Mr. Shagred approved of all other conditions.

Martin Crapo agreed with the architect's suggestions, stating this will be an asset for the community.

Commissioner Conder asked if the Commission could allow a conditional use for a period of time, since there are plans for a new business within a year. Nicole Cottle stated the Commission could make a condition that this application must come back before the Commission within a year.

Mr. Crapo asked if it was alright if he opened up his business on October 1, 2007. Jody replied yes, as long as streetscape plans are submitted within 30 days.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for approval subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. At least 5 parking spaces adjacent to the building must be reserved for customer and employee parking.
2. If additional lighting is to be installed, a lighting plan must be submitted, reviewed and approved prior to any new lights being added to the site.

3. No auto repair work or auto detailing can be conducted on this site.
4. If the dumpster on site is to remain, a 6' tall masonry enclosure must be constructed.
5. Signage must comply with the West Valley Sign Ordinance.
6. A minimum 24' drive aisle behind the parking spaces and display vehicles shall be maintained on site.
7. The site shall be landscaped as follows:
 - a. The entire frontage along Redwood Road shall be landscape per section 7-13-200, Redwood Road Streetscape.
 - b. The Redwood streetscape plans must be submitted to UDOT and Public Works for initial review with in 30 days of this approval.
 - c. The pedestrian lighting and five-foot landscape strip adjacent to the parking lot area in the Redwood streetscape requirements will be installed as part of the new development proposal.
 - d. (1) The undeveloped portions of the site must be maintained per section 24-8-106, Standards For Weed Control.

(2) If the new development proposal is not under construction on this portion of the site within one-year of this approval, the undeveloped portions adjacent to the building and Redwood Road must be landscaped with a combination of groundcover, trees and shrubs and be at least 50% live plant material.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Absent
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Absent
Acting Chairman Fuller	Yes

Unanimous – C-33-2007 – Approved

PLANNING COMISSION BUSINESS

Approval of minutes from July 25, 2007 (Regular Meeting) - **Continued**
Approval of minutes from August 22, 2007 (Regular Meeting) – **Approved**
Approval of minutes from September 5, 2007 (Study Session) - **Approved**

There being no further business, the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant